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As of: November 25, 2014 (1:22pm)

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**** Joint Resolution No. ****

Introduced By *****

By Request of the *****

A Joint Resolution of the Senate and the House of Representatives
of the State of Montana adopting the joint legislative rules.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA:

That the following Joint Rules be adopted:

JOINT RULES OF THE MONTANA

SENATE AND HOUSE OF REPRESENTATIVES

CHAPTER 10

Administration

10-10. Time of meeting. Each house may order its time of
meeting.

10-20. Legislative day -- duration. (1) If either house is
in session on a given day, that day constitutes a legislative
day.

(2) A legislative day for a house ends either 24 hours
after that house convenes for the day or at the time the house
convenes for the following legislative day, whichever is earlier.

10-30. Schedules. The presiding officer of each house shall
coordinate its schedule to accommodate the workload of the other
house.

10-40. Adjournment -- recess -- meeting place. A house may
not, without the consent of the other, adjourn or recess for more

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1 than 3 days or to any place other than that in which the two
2 houses are sitting (Montana Constitution, Art. V, Sec. 10(5)).
3 The procedure for obtaining consent is contained in Joint Rule
4 20-10.

5 **10-50. Access of media -- registration -- decorum --**
6 **sanctions.** (1) Subject to the presiding officer's discretion on
7 issues of decorum and order, a registered media representative
8 may not be prohibited from photographing, televising, or
9 recording a legislative meeting or hearing.

10 (2) The presiding officer shall authorize the issuance of
11 cards to media representatives to allow floor access, and media
12 representatives holding the cards are subject to placement on the
13 floor by the presiding officer. The presiding officer may
14 delegate enforcement of this rule to the office of the Secretary
15 of the Senate, Chief Clerk of the House, the respective
16 Sergeant-at-Arms, or the Legislative Information Officer. The
17 privilege may be revoked or suspended for a violation of decorum
18 and order as agreed to by the media representative upon
19 application for registration.

20 (3) Registered media representatives may be subject to
21 seating in designated areas. Overflow access will be in the
22 gallery.

23 **10-60. Conflict of interest.** A member who has a personal or
24 private interest in any measure or bill proposed or pending
25 before the Legislature shall disclose the fact to the house to
26 which the member belongs. (section 2-2-112, MCA)

27 **10-70. Telephone calls and internet access.** (1)

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1 Long-distance telephone calls made by a member while the
2 Legislature is in session or while the member is in travel status
3 are considered official legislative business. These include but
4 are not limited to calls made to constituencies, places of
5 business, and family members. A member's access to the internet
6 through a permissible server is a proper use of the state
7 communication system if the use is for legislative business or is
8 within the scope of permissible use of long-distance telephone
9 calls.

10 (2) Session staff, including aides and interns, may use
11 telephones for long-distance calls only if specifically
12 authorized to do so by their legislative sponsor or supervisor.
13 Sponsoring members and supervisors are accountable for use of
14 state telephones and internet access by their staff, including
15 aides and interns, and may not authorize others to use state
16 phones or state servers to access the internet.

17 (3) Permanent staff of the Legislature shall comply with
18 executive branch rules applying to the use of state telephones.

19 **10-80. Joint employees.** The presiding officers of each
20 house, acting together, shall:

21 (1) hire joint employees; and

22 (2) review a dispute or complaint involving the competency
23 or decorum of a joint employee, and dismiss, suspend, or retain
24 the employee.

25 **10-85. Harassment prohibited -- reporting.** (1) Legislators
26 and legislative employees have the right to work free of
27 harassment on account of race, color, sex, culture, social origin

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1 or condition, or religious ideas when performing services in
2 furtherance of legislative responsibilities, whether the offender
3 is an employer, employee, legislator, lobbyist, or member of the
4 public.

5 (2) A violation of this policy must be reported to the
6 party leader in the appropriate house if the offended party is a
7 legislator or to the presiding officer if the offended party is
8 the party leader. The presiding officer may refer the matter to
9 the rules committee of the applicable house, and the offender is
10 subject to discipline or censure, as appropriate.

11 (3) If the offended party is an employee of the house of
12 representatives or the senate, the violation must be reported to
13 the employee's supervisor or, if the offender is the supervisor
14 for the house of representatives or the senate, the report should
15 be made to the chief clerk of the house of representatives or to
16 the secretary of the senate, as appropriate. If the offended
17 party is a permanent legislative employee, the report should be
18 made to the employee's supervisor or, if the offender is the
19 supervisor, to the appropriate division director. If the
20 offender is a division director, the report should be made to the
21 presiding officer of the appropriate statutory committee.

22 (4) If the offended party is a supervisor for the house of
23 representatives or the senate, the violation must be reported to
24 the chief clerk of the house of representatives or to the
25 secretary of the senate, as appropriate. If the offended party
26 is a supervisor of permanent legislative employees, the violation
27 must be reported to the appropriate division director. If the

1 offender is a division director, the report should be made to the
2 presiding officer of the appropriate statutory committee.

3 (5) The chief clerk or the secretary shall report the
4 violation to the presiding officer. The presiding officer may
5 refer the matter to the rules committee. If the offender is an
6 employee or supervisor, the employee or supervisor is subject to
7 discipline or discharge.

8 ~~10-90. Legislative interns. Qualifications for legislative~~
9 ~~interns are specified in Title 5, chapter 6, MCA.~~

10 **10-100. Legislative Services Division.** (1) The staff of the
11 Legislative Services Division shall serve both houses as
12 required.

13 (2) Staff members shall:

14 (a) maintain personnel files for legislative employees; and

15 (b) prepare payrolls for certification and signature by the
16 presiding officer and prepare a monthly financial report.

17 (3) The Legislative Services Division shall train journal
18 clerks for both houses.

19 **10-120. Engrossing and enrolling staff -- duties.** (1) The
20 Legislative Services Division shall provide all engrossing and
21 enrolling staff.

22 (2) The duties of the engrossing and enrolling staff are:

23 (a) to engross or enroll any bill or resolution delivered
24 to them within 48 hours after it has been received, unless
25 further time is granted in writing by the presiding officer of
26 the house in which the bill originated; and

27 (b) to correct clerical errors, absent the objection of the

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1 sponsor of a bill, resolution, or amendment and the Secretary of
2 the Senate or the Chief Clerk of the House of Representatives in
3 any bill or amendment originating in the house by which the Clerk
4 or Secretary is employed. The following kinds of clerical errors
5 may be corrected:

6 (i) errors in spelling;

7 (ii) errors in numbering sections;

8 (iii) additions or deletions of underlining or lines through
9 matter to be stricken;

10 (iv) material copied incorrectly from the Montana Code
11 Annotated;

12 (v) errors in outlining or in internal references;

13 (vi) an error in a title caused by an amendment;

14 (vii) an error in a catchline caused by an amendment;

15 (viii) errors in references to the Montana Code Annotated;

16 and

17 (ix) other nonconformities of an amendment with Bill
18 Drafting Manual form.

19 (3) The engrossing and enrolling staff shall give notice in
20 writing of the clerical correction to the Secretary of the Senate
21 or the Chief Clerk of the House, who shall give notice to the
22 sponsor of the bill or amendment. The form must be filed in the
23 office of the amendments coordinator. A party receiving notice
24 may register an objection to the correction by filing the
25 objection in writing with the Secretary of the Senate or the
26 Chief Clerk of the House by the end of the next legislative day
27 following receipt of the notice. The Senate or House shall vote

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on whether or not to uphold the objection. If the objection is upheld, the Secretary of the Senate or the Chief Clerk of the House shall notify the Executive Director of the Legislative Services Division, and the engrossing staff shall change the bill to remove the correction or corrections to which the objection was made.

(4) For the purposes of this rule, "engrossing" means placing amendments in a bill.

10-130. Bills -- sponsorship -- style -- format -- withdrawal prohibited. (1) A bill must be sponsored by a member of the Legislature.

(2) A bill must be:

(a) printed on paper with numbered lines;

(b) numbered at the foot of each page (except page 1);

(c) backed with a page of substantial material that includes spaces for notations for tracking the progress of the bill; and

(d) introduced. Introduction constitutes the first reading of the bill.

(3) In a section amending an existing statute, matter to be stricken out must be indicated with a line through the words or part to be deleted, and new matter must be underlined.

(4) Sections of the Montana Code Annotated repealed or amended in a bill must be stated in the title.

(5) Introduced bills must be reproduced on white paper and distributed to members.

(6) An introduced bill may not be withdrawn.

1 **10-140. Voting on bills -- constitutional amendments.** (1) A
2 bill may not become a law except by vote of the constitutionally
3 required majority of all the members present and voting in each
4 house (Montana Constitution, Art. V, Sec. 11(1)). On final
5 passage, the vote must be taken by ayes and noes and the names of
6 those voting entered on the journal (Montana Constitution, Art.
7 V, Sec. 11(2)).

8 (2) Any vote in one house on a bill proposing an amendment
9 to The Constitution of the State of Montana under circumstances
10 in which there exists the mathematical possibility of obtaining
11 the necessary two-thirds vote of the Legislature will cause the
12 bill to progress as though it had received the majority vote.

13 (3) This rule does not prevent a committee from tabling a
14 bill proposing an amendment to The Constitution of the State of
15 Montana.

16 **10-150. Recording and publication of voting.** (1) Every vote
17 of each member on each substantive question in the Legislature,
18 in any committee, or in Committee of the Whole must be recorded
19 and made available to the public. On final passage of any bill
20 or joint resolution, the vote must be taken by ayes and noes and
21 the names entered on the journal.

22 (2) (a) Roll call votes must be taken by ayes and noes and
23 the names entered on the journal on adopting an adverse committee
24 report and on those motions made in Committee of the Whole to:

25 (i) amend;

26 (ii) recommend passage or nonpassage;

27 (iii) recommend concurrence or nonconcurrence; or

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(iv) indefinitely postpone.

(b) The text of all proposed amendments in Committee of the Whole must be recorded.

(3) A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the Montana Historical Society. If electronically recorded minutes are kept for a committee, a written log conforming to section 2-3-212(2), MCA, must also be kept.

10-160. Journal. Each house shall:

(1) supply the Legislative Services Division with the contents of the daily journal to be stored on an automated system;

(2) examine its journal and order correction of any errors; and

(3) make a daily journal available to all members.

10-170. Journals -- authentication -- availability. (1) The journal of the Senate must be authenticated by the signature of the President and the journal of the House of Representatives must be authenticated by the signature of the Speaker.

(2) The Legislative Services Division shall make the completed journals available to the public (sections 5-11-201

through 5-11-203, MCA).

CHAPTER 20

Relations With Other House

20-10. Consent for adjournment or recess. As required by Article V, section 10(5), of the Montana Constitution, the consent of the other house is required for adjournment or recess for more than 3 calendar days. Consent for adjournment is obtained by having the house wishing to adjourn send a message to the other house and having the receiving house vote favorably on the request. The receiving house shall inform the requesting house of its consent or lack of consent. Consent is not required on or after the 87th legislative day.

CHAPTER 30

Committees

30-10. Joint committee chair -- exception. Except as provided in Joint Rule 30-50 concerning the joint meetings of the Senate Finance and Claims Committee and the House Appropriations Committee, the chair of the Senate committee is the chair of all joint committees.

30-20. Voting in joint committees -- exception. (1) Except for Rules Committees and conference committees, a member of a joint committee votes individually and not by the house to which the committee member belongs.

(2) Because the Rules Committees and conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee shall agree before any action may be taken, unless

otherwise specified by individual house rules.

30-30. Conference committees -- subject matter restrictions.

(1) If either house requests a conference committee and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered. A conference committee meeting must be conducted as an open meeting, and minutes of the meeting must be kept.

(2) A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend:

(a) acceptance or rejection of each disputed amendment in its entirety; or

(b) further amendment of the disputed amendment.

(3) If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as provided in subsection (1). A free conference committee may discuss and propose amendments to a bill in its entirety and is not confined to a particular amendment. However, a free conference committee is limited to consideration of amendments that are within the scope of the title of the introduced bill.

1 **30-40. Conference committee -- enrolling.** A conference
2 committee report must give clerical instructions for a corrected
3 reference bill and for enrolling by referring to the reference
4 bill version.

5 **30-50. Committee consideration of general appropriation**
6 **bills.** (1) All general appropriation bills must first be
7 considered by a joint subcommittee composed of designated members
8 of the Senate Finance and Claims Committee and the House
9 Appropriations Committee, and then by each committee separately.

10 (2) Joint meetings of the House Appropriations Committee
11 and the Senate Finance and Claims Committee must be held upon
12 call of the chair of the House Appropriations Committee, who is
13 chair of the joint committee.

14 (3) The committee chair of the Senate Finance and Claims
15 Committee or of the House Appropriations Committee may be a
16 voting member in the joint subcommittees if:

17 (a) either house has fewer members on the joint
18 subcommittees;

19 (b) the chair represents the house with fewer members on
20 the subcommittees; and

21 (c) the chair is present for the vote at the time that a
22 question is called. A vote may not be held open to facilitate
23 voting by a chair.

24 **30-60. Estimation of revenue.** ~~(1)~~ The Revenue and
25 Transportation Interim Committee shall introduce a House joint
26 resolution for the purpose of estimating revenue that may be
27 available for appropriation by the Legislature. (5-5-227, MCA)

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~~(2) For the 2013 legislative session only, in the event that the Revenue and Transportation Interim Committee has not caused a revenue estimating resolution to be introduced in accordance with 5-5-227, MCA, a Senate joint resolution must be introduced by the chair of the Senate Taxation Committee for the purpose of estimating revenue that may be available for appropriation by the Legislature.~~

~~—— (3) The Senate shall transmit the Senate joint resolution on the revenue estimate to the House no later than the 15th legislative day. The Senate joint resolution does not constitute the Legislature's revenue estimate until adopted and passed by the House with any House amendments concurred in by the Senate.~~

30-70. Appointment of interim committees. As provided for in section 5-5-211(6), MCA, 50% of interim committees must be selected from the following legislative standing committees:

(1) Economic Affairs Interim Committee:

(a) Senate Agriculture, Livestock, and Irrigation Committee;

(b) Senate Business, Labor, and Economic Affairs Committee;

(c) Senate Finance and Claims Committee;

(d) House Agriculture Committee;

(e) House Business and Labor Committee;

(f) House Federal Relations, Energy, and Telecommunications Committee; and

(g) House Appropriations Committee;

(2) Education and Local Government Interim Committee:

(a) Senate Education and Cultural Resources Committee;

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- 1 (b) Senate Local Government Committee;
- 2 (c) Senate Finance and Claims Committee;
- 3 (d) House Education Committee;
- 4 (e) House Local Government Committee; and
- 5 (f) House Appropriations Committee;
- 6 (3) Children, Families, Health, and Human Services Interim
- 7 Committee:
- 8 (a) Senate Public Health, Welfare, and Safety Committee;
- 9 (b) Senate Finance and Claims Committee;
- 10 (c) House Human Services Committee; and
- 11 (d) House Appropriations Committee;
- 12 (4) Law and Justice Interim Committee:
- 13 (a) Senate Judiciary Committee;
- 14 (b) Senate Finance and Claims Committee;
- 15 (c) House Judiciary Committee; and
- 16 (d) House Appropriations Committee;
- 17 (5) Revenue and Transportation Interim Committee:
- 18 (a) Senate Taxation Committee;
- 19 (b) Senate Highways and Transportation Committee;
- 20 (c) Senate Finance and Claims Committee;
- 21 (d) House Taxation Committee;
- 22 (e) House Transportation Committee; and
- 23 (f) House Appropriations Committee;
- 24 (6) State Administration and Veterans' Affairs Interim
- 25 Committee:
- 26 (a) Senate State Administration Committee;
- 27 (b) Senate Finance and Claims Committee;

(c) House State Administration Committee; and

(d) House Appropriations Committee;

(7) Energy and Telecommunications Interim Committee:

(a) Senate Energy Committee;

(b) House Federal Relations, Energy, and Telecommunications
Committee;

(c) House Appropriations Committee; and

(d) Senate Finance and Claims Committee.

CHAPTER 40

Legislation

40-10. Amendment to state constitution. A bill must be used to propose an amendment to The Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution, Art. VI, Sec. 10(1)).

40-20. Appropriation bills -- introduction in House -- feed bill. (1) All appropriation bills must originate in the House of Representatives.

(2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House Appropriations Committee.

40-30. Effective dates. (1) Except as provided in subsections (2) through (4), a statute takes effect on October 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

1 (3) A statute providing for the taxation or imposition of a
2 fee on motor vehicles takes effect on the first day of January
3 following its passage and approval unless a different time is
4 prescribed in the enacting legislation.

5 (4) A joint resolution takes effect on its passage unless a
6 different time is prescribed in the joint resolution (sections
7 1-2-201 and 1-2-202, MCA).

8 **40-40. Bill requests and introduction -- limits and**
9 **procedures -- drafting priority -- agency and committee bills.**

10 (1) Prior to a regular session, a person entitled to serve in
11 that session, referred to as a "member", or a legislative
12 committee is entitled to request bill drafting services from the
13 Legislative Services Division. Deadlines for requesting certain
14 types of bills during a legislative session are contained in
15 Joint Rule 40-50.

16 (a) Prior to 5 p.m. on December 5 preceding a regular
17 session of the Legislature, a member may request an unlimited
18 number of bills and resolutions to be prepared by the Legislative
19 Services Division for introduction in the regular session.

20 (b) After 5 p.m. on December 5, a member may request no
21 more than seven bills or resolutions to be prepared by the
22 Legislative Services Division. At least five of the seven bills
23 or resolutions must be requested before the regular session
24 convenes.

25 (c) After December 5, a member, in the member's discretion,
26 may grant to any other member any of the remaining bill or
27 resolution requests the granting member has not used. A bill

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1 requested by an individual may not be transferred to another
2 legislator but may be introduced by another legislator. The
3 requestor must pick up the bill and sign a receipt indicating
4 delivery of the bill and may either introduce the bill or give
5 the bill to another legislator for introduction.

6 (d) These limitations on bill and resolution requests do
7 not apply to:

8 (i) Code Commissioner bills;

9 (ii) a bill or resolution requested by a standing committee;
10 and

11 (iii) a bill or resolution requested by a member at the
12 request of a newly elected state official if so designated.

13 (2) (a) Except as provided in subsection (2)(b) or this
14 subsection, the staff of the Legislative Services Division shall
15 work on bill draft requests in the order received. After a
16 member has requested the drafting of five bills, the sixth bill
17 request and all subsequent bill requests of that member must
18 receive a lower drafting priority than all other bills of members
19 not in excess of five per member. The Speaker of the House, the
20 minority leader of the House, the President of the Senate, and
21 the minority leader of the Senate may each direct the staff of
22 the Legislative Services Division to assign a higher priority to
23 20 draft requests. The staff of the Legislative Services
24 Division shall assign a higher priority to any bill draft request
25 when jointly directed by the President of the Senate, the
26 minority leader of the Senate, the Speaker of the House, and the
27 minority leader of the House.

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1 (b) Except for bill draft requests described in subsection
2 (1)(d)(iii), if a draft bill has not been received by the
3 Legislative Services Division by November 15 for a bill by
4 request of an agency or entity, the draft loses its priority
5 under this rule.

6 (3) Bills and resolutions must be reviewed by the staff of
7 the Legislative Services Division prior to introduction for
8 proper format, style, and legal form. The staff of the
9 Legislative Services Division shall store bills on the automated
10 bill drafting equipment and shall print and deliver them to the
11 requesting members. The original bill back must be signed to
12 indicate review by the Legislative Services Division. A bill may
13 not be introduced unless it is so signed.

14 (4) (a) During a session, a bill may be introduced by
15 endorsing it with the name of a member and presenting it to the
16 Chief Clerk of the House of Representatives or the Secretary of
17 the Senate. Bills or joint resolutions may be sponsored jointly
18 by Senate and House members. A jointly sponsored bill must be
19 introduced in the house in which the member whose name appears
20 first on the bill is a member. The chief joint sponsor's name
21 must appear immediately to the right of the first sponsor's name,
22 and the chief sponsor may not be changed. Except as provided in
23 subsection (4)(b), in each session of the Legislature, bills,
24 joint resolutions, and simple resolutions must be numbered
25 consecutively in separate series in the order of their receipt.

26 (b) The first 15 House bills may be reserved for
27 preintroduced bills.

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1 (5) (a) Any bill requested by an interim or statutory
2 legislative committee or on behalf of an administrative or
3 executive agency or department through an interim or statutory
4 committee must be so indicated by placing after the names of the
5 sponsors the phrase "By Request of the..... (Name of
6 committee or agency)". The phrase may not be added to an
7 introduced bill by amendment. The phrase may not be placed on a
8 bill unless requested by a statutory or interim committee prior
9 to the convening of the session. Unless requested by an
10 individual member, a bill draft request submitted at the request
11 of an agency must be submitted to, reviewed by, and requested by
12 the appropriate interim or statutory committee. Except as
13 provided in subsection (5)(b), an agency or committee bill
14 request must be preintroduced or the request is canceled.
15 Preintroduction of an agency, committee, or individual
16 legislator's bill must occur no later than 5 p.m. on December
17 15th prior to the convening of a regular legislative session.
18 Preintroduction is accomplished when the Legislative Services
19 Division receives a signed preintroduction form.

20 (b) The preintroduction requirement does not apply to an
21 office held by an elected official during the official's first
22 year in that office or to bills requested by a joint select or
23 joint special committee appointed prior to the convening of the
24 legislative session to address a specific issue. Bills requested
25 under this subsection (5)(b) may include the phrase "By Request
26 of.....(Name of official or committee)".

27 (6) Bills may be preintroduced, numbered, and reproduced

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prior to a legislative session by the staff of the Legislative Services Division. Actual signatures of persons entitled to serve as members in the ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor's name printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the bill following standing committee approval.

40-50. Schedules for drafting requests and bill

introduction. (1) The following schedule must be followed for submission of drafting requests.

Request Deadline

5:00 P.M.

Legislative Day

! General Bills and Resolutions	12	
! Revenue Bills	17	
! Committee Bills and Resolutions	36	
! Committee Revenue Bills and Bills Proposing Referenda	62	
! Committee Bills implementing provisions	67	
of a general appropriation act		
! Interim study resolutions	60	
! Appropriation Bills	45	
! Resolutions to express confirmation of	No Deadline	
appointments		
! Bills repealing or directing the amendment	No Deadline	

1 or adoption of administrative rules and
2 joint resolutions advising or requesting
3 the repeal, amendment, or adoption of
4 administrative rules

5 (2) Bills and resolutions must be introduced within 2
6 legislative days after delivery. Failure to comply with the
7 introduction deadline results in the bill draft being canceled.

8 **40-60. Joint resolutions.** (1) A joint resolution must be
9 adopted by both houses and is not approved by the Governor. It
10 may be used to:

11 (a) express desire, opinion, sympathy, or request of the
12 Legislature;

13 (b) recognize relations with other governments, sister
14 states, political subdivisions, or similar governmental entities;

15 (c) request, but not require, a legislative entity to
16 conduct an interim study;

17 (d) adopt, amend, or repeal the joint rules;

18 (e) approve construction of a state building under section
19 18-2-102 or 20-25-302, MCA;

20 (f) deal with disasters and emergencies under Title 10,
21 specifically as provided in sections 10-3-302(3), 10-3-303(3),
22 10-3-303(4), and 10-3-505(5), MCA;

23 (g) submit a negotiated settlement under section
24 39-31-305(3), MCA;

25 (h) declare or terminate an energy emergency under section
26 90-4-310, MCA;

27 (i) ratify or propose amendments to the United States

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1 Constitution;

2 (j) advise or request the repeal, amendment, or adoption of
3 a rule in the Administrative Rules of Montana; or

4 (k) approve the organization of a new community college
5 district under section 20-15-209, MCA.

6 (2) A joint resolution may not be used for purposes of
7 congratulating or recognizing an individual or group achievement.
8 Recognition of individual or group achievements is handled on
9 special orders of the day.

10 (3) Except as otherwise provided in these rules or The
11 Constitution of the State of Montana, a joint resolution is
12 treated in all respects as a bill.

13 (4) A copy of every joint resolution must be transmitted
14 after adoption to the Secretary of State by the Secretary of the
15 Senate or the Chief Clerk of the House.

16 **40-65. Appropriation required for bills requesting interim**
17 **studies.** A bill including a request for an interim study may not
18 be transmitted to the Governor unless the bill contains an
19 appropriation sufficient to conduct the study. A fiscal note may
20 be requested for a bill requesting an interim study if the
21 appropriation does not appear to be sufficient.

22 **40-70. Bills with same purpose -- vetoes.** (1) A bill may
23 not be introduced or received in a house after that house, during
24 that session, has finally rejected a bill designed to accomplish
25 the same purpose, except with the approval of the Rules Committee
26 of the house in which the bill is offered for introduction or
27 reception.

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1 (2) Failure to override a veto does not constitute final
2 rejection.

3 **40-80. Reproduction of full statute required.** A statute may
4 not be amended or its provisions extended by reference to its
5 title only, but the statute section that is amended or extended
6 must be reproduced or published at length.

7 **40-90. Bills -- original purpose.** A law may not be passed
8 except by bill. A bill may not be so altered or amended on its
9 passage through either house as to change its original purpose
10 (Montana Constitution, Art. V, Sec. 11(1)).

11 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter
12 4, part 2, MCA, all bills reported out of a committee of the
13 Legislature, including interim committees, having a potential
14 effect on the revenues, expenditures, or fiscal liability of the
15 state, local governments, or public schools, except appropriation
16 measures carrying specific dollar amounts, must include a fiscal
17 note incorporating an estimate of the fiscal effect. The
18 Legislative Services Division staff shall indicate at the top of
19 each bill prepared for introduction that a fiscal note may be
20 necessary under this rule. Fiscal notes must be requested by the
21 presiding officer of either house, who, at the time of
22 introduction or after adoption of substantive amendments to an
23 introduced bill, shall determine the need for the note, based on
24 the Legislative Services Division staff recommendation.

25 (2) The Legislative Services Division shall make available
26 an electronic copy of any bill for which it has been determined a
27 fiscal note may be necessary to the Budget Director immediately

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1 after the bill has been prepared for introduction and delivered
2 to the requesting member. The Budget Director may proceed with
3 the preparation of a fiscal note in anticipation of a subsequent
4 formal request. A bill with financial implications for a local
5 government or school district must comply with subsection (4).

6 (3) The Budget Director, in cooperation with the
7 governmental entity or entities affected by the bill, is
8 responsible for the preparation of the fiscal note. Except as
9 provided in subsection (4), the Budget Director shall return the
10 fiscal note within 6 days unless further time is granted by the
11 presiding officer or committee making the request, based upon a
12 written statement from the Budget Director that additional time
13 is necessary to properly prepare the note.

14 (4) (a) A bill that may require a local government or
15 school district to perform an activity or provide a service or
16 facility that requires the direct expenditure of additional funds
17 without a specific means to finance the activity, service, or
18 facility in violation of section 1-2-112 or 1-2-113, MCA, must be
19 accompanied, at the time that the bill is presented for
20 introduction, by an estimate of all direct and indirect fiscal
21 impacts on the local government or school district. The estimate
22 of the fiscal impacts must be prepared by the Budget Director in
23 cooperation with a local government or school district affected
24 by the bill.

25 (b) The Budget Director has 10 days to prepare the
26 estimate. Upon completion of the estimate, the Budget Director
27 shall submit it to the presiding officer and the chief sponsor of

1 the bill.

2 (5) A completed fiscal note must be submitted by the Budget
3 Director to the presiding officer who requested it. The
4 presiding officer shall notify the bill's chief sponsor of the
5 completed fiscal note and request the chief sponsor's signature.
6 The chief sponsor has 1 legislative day after delivery to review
7 the fiscal note and to discuss the findings with the Budget
8 Director, if necessary. After the legislative day has elapsed,
9 all fiscal notes must be reproduced and placed on the members'
10 desks, either with or without the chief sponsor's signature.

11 (6) A fiscal note must, if possible, show in dollar
12 amounts:

13 (a) the estimated increase or decrease in revenues or
14 expenditures;

15 (b) costs that may be absorbed without additional funds;
16 and

17 (c) long-range financial implications.

18 (7) The fiscal note may not include any comment or opinion
19 relative to merits of the bill. However, technical or mechanical
20 defects in the bill may be noted.

21 (8) A fiscal note also may be requested, with the approval
22 of the presiding officer, on a bill and on an amended bill by:

23 (a) a committee considering the bill;

24 (b) a majority of the members of the house in which the
25 bill is to be considered, at the time of second reading; or

26 (c) the chief sponsor.

27 (9) The Budget Director shall prepare and deliver an amended

1 fiscal note on an amended bill within 3 days of the request by
2 the presiding officer; otherwise the bill may proceed without the
3 updated fiscal note.

4 (10) The Budget Director shall make available on request to
5 any member of the Legislature all background information used in
6 developing a fiscal note.

7 (11) If a bill requires a fiscal note, the bill may not be
8 reported from a committee for second reading unless the bill is
9 accompanied by the fiscal note.

10 **40-110. Sponsor's fiscal note rebuttal.** (1) If a sponsor
11 elects to prepare a sponsor's fiscal note rebuttal pursuant to
12 section 5-4-204, MCA, the sponsor shall make the election as
13 provided and return the completed sponsor's fiscal note rebuttal
14 form to the presiding officer within 4 days of the election. The
15 form must identify the bill number, the sponsor of the bill, the
16 date prepared, the version of the fiscal note being rebutted, the
17 reasons the sponsor disagrees with the fiscal note, the items or
18 assumptions in the fiscal note that the sponsor believes are
19 incorrect, and the sponsor's estimate of the fiscal impact, if an
20 estimate is available.

21 (2) The presiding officer may grant additional time to the
22 sponsor for preparation of the sponsor's fiscal note rebuttal.

23 (3) Upon receipt of the completed sponsor's fiscal note
24 rebuttal form, the presiding officer shall refer it to the
25 committee hearing the bill. If the bill is printed, the form
26 must be identified as a sponsor's fiscal note rebuttal,
27 reproduced, and placed on the members' desks.

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1 (4) The Legislative Services Division shall provide forms
2 for preparation of sponsors' fiscal note rebuttals and shall
3 print the completed sponsors' fiscal note rebuttal forms on a
4 different color paper than the fiscal notes prepared by the
5 Budget Director.

6 **40-120. Substitute bills.** (1) A committee may recommend
7 that every clause in a bill be changed and that entirely new
8 material be substituted so long as the new material is relevant
9 to the title and subject of the original bill. The substitute
10 bill is considered an amendment and not a new bill.

11 (2) The proper form of reporting a substitute bill by a
12 committee is to propose amendments to strike out all of the
13 material following the enacting clause, to substitute the new
14 material, and to recommend any necessary changes in the title of
15 the bill.

16 (3) If a committee report is adopted that recommends a
17 substitute for a bill originating in the other house, the
18 substitute bill must be printed and reproduced.

19 **40-130. Reading of bills.** Prior to passage, a bill, other
20 than a bill requested by a joint select or joint special
21 committee as provided in 40-40(5)(b), must be read three times in
22 the house in which it is under consideration. It may be read
23 either by title or by summary of title. Introduction constitutes
24 the first reading of the bill.

25 **40-140. Second reading -- bill reproduction.** (1) If the
26 majority of a house adopts a recommendation for the passage of a
27 bill originating in that house after the bill has been returned

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1 from a committee with amendments, the bill must be reproduced on
2 yellow paper with all amendments incorporated into the copies.

3 (2) If a bill has been returned from a committee without
4 amendments, only the first sheet must be reproduced on yellow
5 paper, and the remainder of the text may be incorporated by
6 reference to the preceding version of the entire bill.

7 (3) A bill requested by and heard by a joint select or
8 joint special committee, as provided in 40-40(5)(b), may be
9 referred directly to second reading. If the bill is passed by
10 the house of origin, the bill must be transmitted to the other
11 house, and if the bill was not amended, it may be placed on
12 second reading without the need for referral to a committee.

13 **40-150. Engrossing.** (1) When a bill has been reported
14 favorably by Committee of the Whole of the house in which it
15 originated and the report has been adopted, the bill must be
16 engrossed if the bill is amended. Committee of the Whole
17 amendments must be included in the engrossed bill. If the bill is
18 not amended, the bill must be sent to printing. The bill must be
19 placed on the calendar for third reading on the legislative day
20 after receipt.

21 (2) Copies of the engrossed bill to be distributed to
22 members are reproduced on blue paper. If a bill is unamended by
23 the Committee of the Whole and contains no clerical errors, it is
24 not required to be reprinted. Only the first sheet must be
25 reproduced on blue paper, with the remainder of the text
26 incorporated by reference to the preceding version of the entire
27 bill.

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1 (3) If a bill is amended by a standing committee in the
2 second house, the amendments must be included in a tan-colored
3 bill and distributed in the second house for second reading
4 consideration. If the bill is amended in Committee of the Whole,
5 the amendments must be included in a salmon-colored reference
6 bill and distributed in the second house for third reading. If
7 the bill passes on third reading, copies of the reference bill
8 must be distributed in the original house. The original house
9 may request from the second house a specified number of copies of
10 the amendments to be printed.

11 **40-160. Enrolling.** (1) When a bill has passed both houses,
12 it must be enrolled. An original and two duplicate printed
13 copies of the bill must be enrolled, free from all errors, with a
14 margin of two inches at the top and one inch on each side. In
15 sections amending existing statutes, new matter must be
16 underlined and deleted matter must be shown as stricken.

17 (2) When the enrolling is completed, the bill must be
18 examined by the sponsor.

19 (3) The correctly enrolled bill must be delivered to the
20 presiding officer of the house in which the bill originated. The
21 presiding officer shall sign the original and two copies of each
22 bill not later than the next legislative day after it has been
23 reported correctly enrolled, unless the bill is delivered on the
24 last legislative day, in which case the presiding officer shall
25 sign it that day. The fact of signing must be announced by the
26 presiding officer and entered upon the journal no later than the
27 next legislative day. At any time after the report of a bill

1 correctly enrolled and before the signing, if a member signifies
2 a desire to examine the bill, the member must be permitted to do
3 so. The bill then must be transmitted to the other house where
4 the same procedure must be followed.

5 (4) A bill that has passed both houses of the Legislature
6 by the 90th day may be:

7 (a) enrolled;

8 (b) clerically corrected by the presiding officers, if
9 necessary;

10 (c) signed by the presiding officers; and

11 (d) delivered to the Governor or, in the case of a bill
12 proposing a referendum, to the Secretary of State, not later than
13 5 working days after the 90th legislative day.

14 (5) All journal entries authorized under this rule must be
15 entered on the journal for the 90th day.

16 (6) The original and two copies signed by the presiding
17 officer of each house must be presented to the Governor or the
18 Secretary of State, as applicable, in return for a receipt. A
19 report then must be made to the house of the day of the
20 presentation, which must be entered on the journal.

21 (7) The original must be filed with the Secretary of State.
22 Signed copies with chapter numbers assigned pursuant to section
23 5-11-204, MCA, must be filed with the Clerk of the Supreme Court
24 and the Legislative Services Division.

25 **40-170. Amendment by second house.** (1) Amendments to a bill
26 by the second house may not be further amended by the house in
27 which the bill originated, but must be either accepted or

1 rejected. A bill amended by the second house when the effect of
2 the combined amendments is to return the bill to the form that
3 the bill passed the house in which the bill originated is not
4 considered to have been amended and need not be returned to the
5 house of origin for acceptance or rejection of the amendments. If
6 the amendments are rejected, a conference committee may be
7 requested by the house in which the bill originated. If the
8 amendments are accepted and the bill is of a type requiring more
9 than a majority vote for passage, the bill again must be placed
10 on third reading in the house of origin.

11 (2) The vote on third reading after concurrence in
12 amendments is the vote of the house of origin that must be used
13 to determine if the required number of votes has been cast.

14 **40-180. Final action on a bill.** (1) When a bill being heard
15 by the second house has received its third reading or has been
16 rejected, the second house shall transmit it as soon as possible
17 to the original house with notice of the second house's action.

18 (2) A bill that reduces revenue and that contains a
19 contingent voidness provision may not be transmitted to the
20 Governor unless there is an identified corresponding reduction in
21 an appropriation contained in the general appropriations act.

22 **40-190. Transmittal of bills between houses -- referral --**
23 **hearing.** (1) Each house shall transmit to the other with any
24 bill all relevant papers.

25 (2) When a House bill is transmitted to the Senate, the
26 Secretary of the Senate shall give a dated receipt for the bill
27 to the Chief Clerk of the House. When a Senate bill is

transmitted to the House of Representatives, the Chief Clerk of the House shall give a dated receipt to the Secretary of the Senate.

(3) Transmitted bills must be referred to committee and scheduled for hearing.

40-200. Transmittal deadlines -- two-thirds vote requirement. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, a bill proposing a referendum, an interim study resolution, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations bill, the revenue estimating resolution, interim study resolutions, bills proposing referenda, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills and bills proposing referenda must be transmitted to the other house on or before the ~~71st~~ 67th legislative day.

(ii) Amendments to revenue bills and bills proposing referenda, received from the other house, must be transmitted to

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the house of origin on or before the ~~82nd~~ 80th legislative day.

(iii) A revenue bill is one that either increases or decreases revenue by enacting, eliminating, increasing, or decreasing taxes, fees, or fines ~~or by suspending or otherwise changing the allocation of revenues.~~

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day. A fund transfer within the state treasury is not an appropriation for purposes of this section.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced pursuant to 5-5-227, MCA, for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.

(b) Amendments to the revenue estimating resolution must be transmitted to the body in which the resolution was introduced no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.

40-210. Governor's veto. (1) Except as provided in 40-65

1 and 40-180, each bill passed by the Legislature must be submitted
2 to the Governor for the Governor's signature. This does not
3 apply to:

4 (a) bills proposing amendments to The Constitution of the
5 State of Montana;

6 (b) bills ratifying proposed amendments to the United
7 States Constitution;

8 (c) resolutions; and

9 (d) referendum measures of the Legislature.

10 (2) If the Governor does not sign or veto the bill within
11 10 days after its delivery, the bill becomes law.

12 (3) The Governor shall return a vetoed bill to the
13 Legislature with a statement of reasons for the veto.

14 (4) If after receipt of a veto message, two-thirds of the
15 members of each house present approve the bill, it becomes law.

16 (5) If the Legislature is not in session when the Governor
17 vetoes a bill, the Governor shall return the bill with reasons
18 for the veto to the Legislature as provided by law. The
19 Legislature may be polled on a bill that it approved by
20 two-thirds of the members present or it may be reconvened to
21 reconsider any bill so vetoed (Montana Constitution, Art. VI,
22 Sec. 10).

23 (6) The Governor may veto items in appropriation bills, and
24 in these instances the procedure must be the same as upon veto of
25 an entire bill (Montana Constitution, Art. VI, Sec. 10).

26 **40-220. Response to Governor's veto.** (1) When the presiding
27 officer receives a veto message, the presiding officer shall read

1 it to the members over the rostrum. After the reading, a member
2 may move that the Governor's veto be overridden.

3 (2) A vote on the motion is determined by roll call. If
4 two-thirds of the members present vote "aye", the veto is
5 overridden. If two-thirds of the members present do not vote
6 "aye", the veto is sustained.

7 **40-230. Governor's recommendations for amendment --**
8 **procedure.** (1) The Governor may return any bill to the
9 Legislature with recommendations for amendment. The Governor's
10 recommendations for amendment must be considered first by the
11 house in which the bill originated.

12 (2) If the Legislature passes the bill in accordance with
13 the Governor's recommendations, it shall return the bill to the
14 Governor for reconsideration. The Governor may not return a bill
15 to the Legislature a second time for amendment.

16 (3) If the Governor returns a bill to the originating house
17 with recommendations for amendment, the house shall reconsider
18 the bill under its rules relating to amendments offered in
19 Committee of the Whole.

20 (4) The bill then is subject to the following procedures:

21 (a) The originating house shall transmit to the second
22 house, for consideration under its rules relating to amendments
23 in Committee of the Whole, the bill and the originating house's
24 approval or disapproval of the Governor's recommendations.

25 (b) If both houses approve the Governor's recommendations,
26 the bill must be returned to the Governor for reconsideration.

27 (c) If both houses disapprove the Governor's

1 recommendations, the bill must be returned to the Governor for
2 reconsideration.

3 (d) If one house disapproves the Governor's recommendations
4 and the other house approves, then either house may request a
5 conference committee, which may be a free conference committee.

6 (i) If both houses adopt a conference committee report, the
7 bill in accordance with the report must be returned to the
8 Governor for reconsideration.

9 (ii) If a conference committee fails to reach agreement or
10 if its report is not adopted by both houses, the Governor's
11 recommendations must be considered not approved and the bill must
12 be returned to the Governor for further consideration.

13 **CHAPTER 60**

14 **Rules**

15 **60-10. Suspension of joint rule -- change in rules.** (1) A
16 joint rule may be repealed or amended only with the concurrence
17 of both houses, under the procedures adopted by each house for
18 the repeal or amendment of its own rules.

19 (2) A joint rule governing the procedure for handling bills
20 may be temporarily suspended by the consent of two-thirds of the
21 members of either house, insofar as it applies to the house
22 suspending it.

23 (3) Any Rules Committee report recommending a change in the
24 joint rules must be referred to the other house. Any new rule or
25 any change in the rules of either house must be transmitted to
26 the other house for informational purposes.

27 (4) Upon adoption of any change, the Secretary of the

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Senate and the Chief Clerk of the House of Representatives shall provide the office of the Legislative Services Division:

(a) one copy of all motions or resolutions amending Senate, House, or joint rules; and

(b) copies of all minutes and reports of the Rules Committees.

60-20. Reference to Mason's Manual. Mason's Manual of Legislative Procedure (2010) governs the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

60-30. Publication and distribution of joint rules. (1) The Legislative Services Division shall codify and publish in one volume:

(a) the rules of the Senate;

(b) the rules of the House of Representatives; and

(c) the joint rules of the Senate and the House of Representatives.

(2) After the rules have been published, the Legislative Services Division shall distribute copies as directed by the Senate and the House of Representatives.

60-40. Tenure of joint rules. The joint rules remain in effect until removed by a joint resolution or until a new Legislature is elected and takes office.

- END -

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